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PATENT TRADEMARK OFFICE

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Jerry W. Schoen et al. : Paper No:  
Serial No. 09/847,236 : Group Art Unit: 1742  
Filed: May 2, 2001 : Primary Examiner: John P. Sheehan  
For: HIGH PERMEABILITY GRAIN ORIENTED ELECTRICAL STEEL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
FEB 26 2009  
**OFFICE OF PETITIONS**

**AFFIDAVIT OF LARRY A. FILLNOW**

Dear Sir:

I, Larry A. Fillnow depose and say:

1. I, Larry A. Fillnow, began employment with Armco on June 16, 1969 and began working in the Patent Section of Armco in February 1971. As part of my responsibilities as an employee in the Patent Section, I would serve as liaison with outside counsel and would also perform some duties typically associated with a Patent Agent. My title during this time was a Patent Engineer. I received a passing score on the USPTO registration examination on May 25, 1976 and my registration number is 28,013. In 1986, I began working as a Patent Agent for Armco where I worked in this capacity until 1996. From 1996 until December 1999 I worked in commercial sales for Armco, and subsequently for AK Steel Corporation which acquired Armco on September 30, 1999, and then returned to work as a Patent Agent for AK Steel Corporation in December 1999 where I worked until I retired in November 2003.

2. As Patent Agent for AK Steel Corporation, my duties included maintaining and overseeing the worldwide patent portfolio of AK Steel Corporation.
3. As such, I prepared, reviewed, and filed all correspondence with the U.S. Patent and Trademark Office on behalf of AK Steel Corporation with respect to U.S. patent prosecution.
4. When correspondence was received from the U.S. Patent and Trademark Office, it was routinely logged in and docketed on our Computer Packages Computerized Patent Management System by Marsha L. O'Dell, our Intellectual Property Coordinator/Paralegal and then given to me for review and handling as appropriate.
5. U.S. Patent Application Serial No. 09/847,236 entitled High Permeability Grain Oriented Electrical Steel was filed by me on May 2, 2001.
6. On May 29, 2002, the U.S. Patent and Trademark Office mailed an Office Action having a response due date of August 29, 2002, extendable to November 29, 2002.
7. Despite the exercise of due care, this Office Action though received by AK Steel Corporation, was apparently not associated with the file wrapper for Application Serial No. 09/847,236. Accordingly, I did not prepare a response to this Office Action.
8. A Notice of Abandonment was mailed by the U.S. Patent and Trademark Office on January 27, 2003, indicating that the Application No. 09/847,236 was abandoned because no response to the outstanding Office Action dated May 29, 2002, was received. Internal notations were made on this Notice of Abandonment on February 3, 2003 indicating that the Notice was received, docketed and given to me by Marsha O'Dell.
9. Between April 2002 and April 2003 I was attending to certain personal matters including filing for and finalizing my divorce which may have caused me to unintentionally not attend to preparing and filing a response to the Notice of Abandonment and the outstanding Office Action.
10. I do not recall reviewing this Notice of Abandonment nor taking any further action on the related file and, as such, the subject application remained unintentionally abandoned.

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Further deponent sayeth not.



*Larry A. Fillnow*

Larry A. Fillnow

*February 17, 2009*

Date

State of Ohio )

County of Hamilton )

SWORN TO and SUBSCRIBED before me, notary public, on this 17<sup>th</sup> day of February, 2009.

*Carolyn A. Bartlett*

Notary Public



CAROLYN A. BARTLETT, Notary Public  
In and for the State of Ohio  
My Commission Expires April 15, 2009